

REMARKS

Applicant thanks Examiner Joyce for the analysis set forth in the Office Action dated October 31, 2005.

Claim Objections

Applicant notes the claim objection raised to Claim 18. It is respectfully submitted that this objection was addressed by the preliminary amendment filed December 2, 2003 which corrected an error in claim dependency.

Allowable Subject Matter

Allowable Claims 11 and 17 have been placed in independent form.

Claim Rejections under 35 U.S.C. §§ 102 and 103

Applicant has placed subject matter from Claims 5 and 6 into Claim 1 and has made further clarifying amendments. The arguments that follow will focus upon Claim 1, as amended. Similar amendments have been made to independent Claim 12. Should the Examiner accept applicant's submission that the amendments address the Examiner's concerns and distinguish over the prior art, it is respectfully submitted that all dependent claims will also be in suitable condition for allowance.

Claims 5 and 6 presently stand rejected on the basis of the Krofchalk reference in view of either the Janus et al. reference or the Tucker et al. reference.

A summary of a principal feature the applicant believes he has invented is found on page 2, beginning at line 13:

The air transfer apparatus, as described above, can be placed in a doorway to force air into or out of a room. The fan or fans used to effect air replacement are imbedded in a door and, as such, do not restrict normal travel. Persons wishing to pass by, merely pivot the "door" in the air transfer

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apparatus from the closed position to the open position, as they would any other door.

The Krofchalk reference discloses a rectangular housing 38 with a hinged door (termed a "cover plate") 60 and a mounting flange 48. Rectangular housing 38 is a box large enough to accommodate two fans and is enclosed on one face by cover plate 60 and on the other face by louver structure 28 and weather shield plate 22. In order to address the rejection based on Krofchalk, applicant has incorporated the subject matter of Claims 5 and 6 regarding expansion of the frame to fit an opening and has added the wording "a door receiving cavity configured to permit persons to walk through the door receiving cavity". The subject matter of Claims 5 and 6 relating to frame expansion currently stands rejected by combining the Krofchalk reference with either Tucker et al. or Janus et al.

The Tucker et al. reference does not have a frame. It is, in essence, an expandable plug that is capable of expanding to fill an opening. The expandable plug of the Tucker et al. reference can be placed into the opening of Krofchalk. As soon as this is done, however, it interferes with the operation of pivoting cover plate 60. It is respectfully submitted that the teachings of Tucker et al. do not solve the problem of how to expand the rectangular housing 38 of Krofchalk to secure it in a hallway or doorway.

The Janus et al. reference has an adjustable frame 16. Although little is said about the frame (other than it is adjustable), it would appear from reviewing Figure 3 and Figure 1 that it consists of a number of individual pieces. It is respectfully submitted that it is impossible to "adjust" such a frame without altering the dimensions of the opening of the frame and interfering

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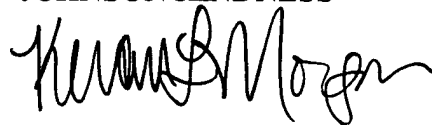
with the operation of the door. Doors must be sized to fit openings. If the frame is contracted so that the door receiving cavity is smaller than the door, the door will not close properly. Similarly, if the frame is expanded so that the door receiving cavity is larger than the door, the door will not close properly.

To distinguish over both the Tucker et al. or Janus et al. references, applicant has added clarifying wording regarding the frame, wherein it is expandable to accommodate different widths of openings without altering the size of the door receiving cavity or interfering with the functioning of the door positioned in the door receiving cavity.

In view of the foregoing amendments and arguments, it is respectfully submitted that the present application is now in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

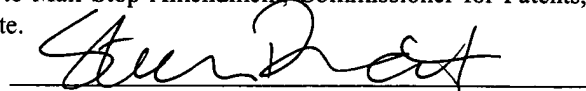
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